

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: COMTECH 21, LLC, AND ALLIANCE GROUP SERVICES, INC., d/b/a AGSi	DOCKET NO. WRU-03-11-3436
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ORDER GRANTING WAIVER

(Issued April 1, 2003)

On March 5, 2003, ComTech 21, LLC (ComTech), filed with the Utilities Board (Board) a request for a waiver of 199 IAC 22.23(2) regarding individual customer verification rules for unauthorized changes in telecommunications services. No objection to the request has been filed.

In support of its request, ComTech states that an agreement was executed between ComTech and Alliance Group Services, Inc., d/b/a AGSi (AGSi), whereby AGSi agreed to divest certain retail assets. Both ComTech and AGSi are authorized to provide intrastate interexchange telecommunications services in Iowa. ComTech states that the parties intend to transfer AGSi's Iowa customers, numbering approximately 168, to ComTech.

ComTech states that it intends to notify all of AGSi's customers of the transition to ComTech and that there will not be a change in the rates, terms, and conditions of service provided to AGSi's customers.

To grant the waiver, the Board must find, based upon clear and convincing evidence, that the request meets the four criteria in 199 IAC 1.3. The four criteria are: 1) the application of the rule would cause undue hardship, 2) the waiver would

not prejudice the substantial legal rights of any person, 3) the provisions of the rule are not specifically mandated by statute, and 4) substantially equal protection of public health, safety, and welfare will be afforded by a means other than prescribed by the rule.

The Board finds that a waiver of 199 IAC 22.23(2) should be granted, based on the Board's review of the information provided by ComTech. The Board finds that it would be an undue hardship for ComTech to obtain approximately 168 individual authorization verifications for the change in service providers. The Board also finds that the waiver will not affect the substantial legal rights of any person and that equal protection of the public health, safety, and welfare have been afforded since all of AGSi's customers will receive notice of the transfer to ComTech, will continue to receive service at the same rates and subject to the same terms and conditions, and will be afforded an opportunity to change providers if they choose to do so.

IT IS THEREFORE ORDERED:

The waiver request filed by ComTech 21, LLC, on March 5, 2003, is granted. The verification requirement of 199 IAC 22.23(2) for unauthorized changes in telecommunications service is waived.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 1st day of April, 2003.